

REMARKS

Prosecution of claims 34, 36 – 49, 51 – 64, and 66 – 78 was reopened in view of the Appeal Brief filed on April 22, 2009. Claims 1 – 33 were previously withdrawn in response to a Restriction Requirement.

Claims 1 – 33 have been canceled herein. A divisional application containing those claims was filed on October 30, 2007, serial number 11/978,757.

Claims 45 – 48, 60 – 63, and 75 – 78 have also been canceled.

Claims 34, 36, 37, 44, 49, 51, 52, 59, 64, 66, 67, and 74 have been amended to correct minor informalities. No change is made to the scope of the claims by the corrections.

No new matter has been introduced into the application by these amendments.

Allowable Subject Matter

Applicant notes with appreciation that claims 34, 36 – 49, 51 – 64, and 78 contain allowable subject matter. Claims 66 – 77 depend from claim 64, which contains allowable subject matter. Within that range, only claims 66 – 68 and 74 – 77 were explicitly rejected, and the examiner has kindly provided suggestions for amending those claims to place them in condition for allowance. Claims 69 – 73 were not explicitly rejected at all, and presumably would be allowable if their respective base claims were allowable.

Claim Objection

Claim 46 stands objected to because it did not end in a period. Claim 46 has been canceled, rendering the objection moot.

Claim Rejections - 35 USC §112

Claims 34, 36 – 38, 44 – 49, 51 – 53, 59 – 64, 66 – 68, and 74 – 78 stand rejected under 35 USC §112 as containing terms for which there is allegedly insufficient antecedent basis. Dependent claims 39 – 43, 54 – 58, and 69 – 73 all depend from rejected claims and, even though they were not explicitly rejected, they are understood to stand rejected on that basis.

Claims 45 – 48, 60 – 63, and 75 – 78 have been canceled, rendering the rejection moot as to those claims. The rejection is traversed with regard to the remaining claims as currently presented.

The Examiner kindly presented suggestions for amending the rejected claims to place them in condition for allowance, and rejected claims have been amended herein in accordance with the examiner's suggestions where appropriate, and in accordance with the guidelines provided in the MPEP. In particular, MPEP 2173.05(e) provides "the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite... *Ex parte Porter*, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992) ('controlled stream of fluid' provided reasonable antecedent basis for 'the controlled fluid')." Thus, terms in the dependent claims have been amended to be consistent, but they are not necessarily identical with the antecedent terms describing the referenced elements when first introduced, because the scope of the claims is still reasonably ascertainable by those skilled in the art, in accordance with MPEP 2173.05(e).

In connection with paragraphs 10 and 14 on page 4 of the Office action, claims 37, 52, and 67 stand rejected because the phrase "a non-varying server specific value V" allegedly lacks antecedent basis. That is incorrect. The Examiner may be confounding the value V with the value C, but they are not the same. Because the term "V" was properly introduced and used in the claims, they were not amended as suggested.

The claims as amended are now believed to be allowable. Reconsideration and withdrawal of the section 112 rejection of claims 34, 36 – 38, 44, 49, 51 – 53, 59, 64, 66 – 68, and 74, and allowance of their dependent claims, including claims 39 – 43, 54 – 58, and 69 – 73, are respectfully requested.

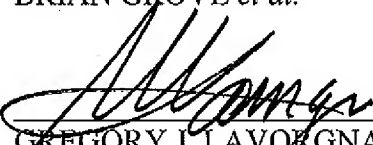
Conclusion

In view of the foregoing amendment and remarks, Applicants respectfully submit that claims 34, 36 – 44, 49, 51 – 59, 64, and 66 – 74 are in condition for allowance and a notice of allowance is respectfully requested.

Respectfully submitted,

BRIAN GROVE *et al.*

BY:


GREGORY J. LAVOIE
Registration No. 30469
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Tel: 215-988-3309
Fax: 215-988-2757
Attorney for Applicant